IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 437 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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GIRIRAJSINH JIVUBHA THROUGH JADEJA JIVUBHA SHIVSIHGJI(POA)

Versus

COLLECTOR OF JAMNAGAR

Appearance:

1. Special Criminal Application No. 437 of 2001

PARTY-IN-PERSON for Petitioner No. 1

MR KT DAVE APP for Respondent No. 1,14

..... for Respondent No. 2-13,15-20

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 27/08/2001

ORAL JUDGEMENT

1. In this petition filed under Article 226 of the Constitution, petitioner, party in person, has voiced his grievance against 19 government officials including the Collector and Land Acquisition Officer of Jamnagar with respect to alleged illegal proceedings with respect to immovable properties bearing Survey Nos. 16 and 175 of

Nathuvadla village, Taluka Dhrol, District Jamnagar and has prayed to issue appropriate writ, direction or order directing respondents to stop the illegal activities and to initiate criminal proceedings against the responsible persons.

2. I have heard Jadeja Jivubha Shivsinhji, party in person and Mr. K.T. Dave, learned APP for respondent State. I have also perused the averments made in the petition as well as the orders annexed therewith and the order dated June 25, 2001 recorded by this Court on August 25, 2001 (Coram: H.K. Rathod, J.) by which rule was issued qua respondent Nos.1 and 14 and they were directed to inquire in the matter and investigate independently and submit report before this Court on or before 13th July 2001.

3. On the facts and circumstances emerging from the record of the case and more particularly pursuant to the order passed by this Court, the report of the Collector is submitted by the learned APP wherein it is mentioned that six findings are recorded and on the basis of these findings the Collector gave his opinion that the allegations made by the present petitioner are baseless and are based more on hypothetical apprehension than any logic, the said report is also supported by documents, that is, Pahni patrak, village form No.6, I am of the opinion that the petition is misconceived and the same is liable to be dismissed.

4. For the foregoing reasons, the petition fails and accordingly it is rejected. Rule qua respondent Nos.1 and 14 stands discharged.

27.8.2001. (A.M. Kapadia, J.)

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(karan)